

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2002-274-S - ORDER NO. 2002-616 ✓ *de*

AUGUST 28, 2002

IN RE:	Application of Midlands Utility, Inc. for)	ORDER APPROVING
	Approval of an Extension of its Service Area)	APPLICATION FOR
	to Provide Sewer Service to Spring Hill Patio)	EXTENSION OF
	Homes in Lexington County, SC)	SERVICE AREA

This matter comes before the Public Service Commission of South Carolina (the "Commission") on the Application of Midlands Utility, Inc. ("Midlands" or the "Company") for Commission approval of an extension of service area to include a parcel of property located near the intersection of Backman Road and Fish Hatchery Road, adjacent to the Rockford Place Subdivision in Pine Ridge located in Lexington County, South Carolina. The subject parcel of property is the site of Spring Hill Patio Homes. A site map showing the general vicinity of the subject property is attached to Midlands' Application.

The developer of the Rockford Place Subdivision has requested that Midlands provide service to the subject site. The site is located adjacent to Midlands' existing service territory. By its request to extend its service area to include the site of the Spring Hill Patio Homes, Midlands requests that the Commission waive notice and hearing requirements.

26 S.C. Code Regs. 103-504 (Supp. 2001) provides that "no existing public utility supplying sewerage disposal to the public ... shall hereafter sell, acquire, transfer, begin

the construction or operation of any utility system, or any extension thereof, ... without first obtaining from the Commission a certificate that the sale, transfer, or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension.” Although 26 S.C. Code Regs. 103-504 (Supp. 2001) also provides for notice and due hearing, 26 S.C. Code Regs. 103-501(3) (1976) provides that “in any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest.” Where extensions to service territory have been sought by a utility due to a potential customer or customers seeking the service from the utility, this Commission notes that it has previously waived notice and hearing on such extensions as part of the public interest.

In the instant matter, the developer of the Rockford Place Subdivision requested service from Midlands. The property to be served is located adjacent to property which is currently served by Midlands. Upon examining the request to extend Midlands’ service area to the site of the Spring Hill Patio Homes, located adjacent to Rockford Place Subdivision, the Commission finds waiver of the portions of 26 S.C. Code Regs. 103-504 (Supp. 2001) requiring notice and hearing to be in the public interest. Further, Midlands states that the charges for providing sewer service to the subject property will be the current rates approved by this Commission for Midlands. Additionally, according to the record, Midlands has applied to the South Carolina Department of Health and Environmental Control for a construction permit to provide sewer service to the Spring

Hill Patio Homes. We have examined the record of this matter, and find that the public convenience and necessity requires the extension of the system.

IT IS THEREFORE ORDERED THAT:

1. The request of Midlands to waive notice and hearing of Midlands' request for an extension of its service area to include that certain parcel of property located near the intersection of Backman Road and Fish Hatchery Road, adjacent to Rockford Place Subdivision in Pine Ridge located in Lexington County, South Carolina, upon which Spring Hill Patio Homes is located, is granted upon the finding of this Commission that the requested waivers are in the public interest.

2. The Application of Midlands to extend its service area to include that certain parcel of property located at the intersection of Backman Road and Fish Hatchery Road, adjacent to Rockford Place Subdivision in Pine Ridge located in Lexington County, South Carolina, upon which Spring Hill Patio Homes is located, is granted upon the finding of this Commission that the public convenience and necessity requires the extension of Midlands' system.

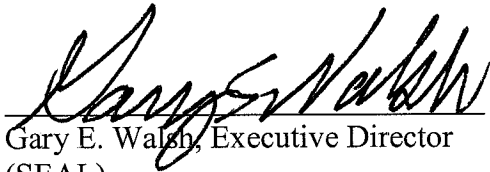
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director
(SEAL)